THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 15064 of 2005

Dated:19-09-2005

Between:

Vanka Venkata Reddy.

….. PETITIONER

AND

The Deputy Registrar of Co-operative Society, Bhimavaram, West Godavari District and another..

.....RESPONDENTS

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 15064 of 2005

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ORDER:

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This writ petition is filed to declare the action of the respondents in proposing to conduct public auction on 2-8-2005 to sell away the residential house under the impugned notice as illegal and arbitrary.

The case of the petitioner is that he approached the 2nd respondent-Bank requesting to sanction a loan. Accordingly, the 2nd respondent-Bank sanctioned a loan of Rs.1,00,000/- to the petitioner duly mortgaging his residential house bearing D.No.32-2-7 in an extent of 114 sq. yards situated at T.S.No.696/17 of Palakol. He has paid the loan amount in instalments for some time and thereafter, due to financial problems, he failed to pay the instalments regularly. Surprisingly, the respondents issued sale notice dated 6-4-2005 by proposing to conduct public auction on 13-05-2005, but no auction was conducted on that date. Again, the first respondent issued the impugned notice by proposing to conduct public auction of the building in question on 02-08-2005. Challenging the said notice, he preferred this writ petition.

The learned counsel for the petitioner contended that the award passed in favour of the 2nd respondent-Bank has not been served on the petitioner and therefore, the respondents cannot auction the residential house of the petitioner.

On the other hand, the learned counsel Government Pleader for cooperative Societies submitted that the copy of the award has been served on the petitioner and he has no right to challenge the auction proceedings.

Since the award passed in favour of the 2nd respondent-Bank has already been

served on the petitioner, the question of infringement of rights of the petitioner, if any, does not arise.

In the circumstances, I feel that this Court cannot invoke its jurisdiction under Article 226 of the Constitution of India and therefore, the writ petition is devoid of merit.

Accordingly, the writ petition is dismissed. No order as to costs.

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19-09-2005

sj